

REMARKS

The Office Action dated January 17, 2003 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration and allowance are respectfully requested.

Examiner Vanaman is thanked for the courtesies extended undersigned counsel during the telephone interviews of February 10, 2003 and July 17, 2003.

In the telephone interview of February 10, 2003, Examiner Vanaman indicated he had only received part of the timely filed Substitute Specification filed on August 21, 2002.

During that February 10, 2003 interview, Examiner Vanaman indicated that he would allow a personal interview and consider an Amendment After Final, owing to the Patent Office's having lost portions of the application.

Accordingly, on March 7, 2003, undersigned counsel submitted a true copy of the August 21, 2002 filing, including the Substitute Specification.

During the July 17, 2003 telephone interview, Examiner Vanaman indicated he had still received neither the August 21, 2002 Substitute Specification, nor the March 7, 2003 submission of a true copy of such, and he could find no reference to such on the Patent Office computer tracking system. Accordingly, Applicant's

Serial No.: 10/034,124

representative agreed to file for a third time an entire Substitute Specification.

As to the Office Action itself, please note the following.

To overcome the objection to the disclosure, the sole remaining reference to the Appendix A which was not to be published, as set forth in the August 21, 2002 submission, has been changed to a reference to Figs. 1-10.

Applicant has cancelled the Appendix without prejudice or disclaimer so that the Appendix would not be inadvertently published by the Patent Office, yet would remain a part of the official application file for reference, and should any material ever need to be relied upon by Applicant. No new matter is believed to have been added.

To overcome the objection to claims 16 and 17, the typographical errors have been corrected to change their dependencies.

To overcome the rejection of claims 9 and 12 as being indefinite, the typographical error in their dependencies has been corrected and each is submitted to be definite. The dependent claims are likewise submitted to be definite.

As to the rejection of claim 1 as being an obvious variation of U.S. Patent No. 3,830,387 to Vernig modified in view of U.S. Patent No. 5,378,004 to Gunlock, such is submitted to be in error, and Examiner Vanaman is requested to allow the application in consideration of the arguments immediately below.

To reduce the number of issues and to advance prosecution, independent claim 1 has been amended to eliminate ambiguities and to further define over the prior art.

There would have been no motivation to a person having ordinary skill in the art to modify the Vernig device having a pair of adjustable arms 16 and 18 with the Gunlock fixed hub engaging assembly.

Still further, assuming, for the sake of argument, that it would have been obvious to combine the two devices, even though Gunlock teaches directly away from the claimed freely pivotally rotatable feature of Applicant's claim 1, then the proposed combination would have still failed to render Applicant's claimed invention obvious.

Even though Gunlock has attachment pins 618a and 618b on which pivot saddles 612a and 612b are provided, such pivoting movement is allowed only when making preparation for engaging an object. Gunlock straps 614 and 615 are immediately engaged when an object has been properly contacted by pivot saddles 612a and 612b, and no further pivotable movement of them is possible.

The base reference Vernig itself teaches that pivotal movement should be prevented once an object has been engaged. Please see Figs. 1 and 5 of Vernig and the related description of the Vernig locking means having a pin 90 which engages and locks with a bore 88, such as set forth in column 4, lines 45-55 of Vernig.

Serial No.: 10/034,124

Amended independent claim 18 likewise sets forth additional novel and unobvious specifics of Applicant's invention that would not have been taught by the proposed combination of Vernig modified by Gunlock.

The proposed combination would have taught directly away from Applicant's particularly claimed mouth and opening, which opening faces away from the handle.

The Gunlock mouth opening teaches directly away from this feature, and, the Gunlock mouth opening has a drawback that, for example, the weight of an object supported in the Gunlock mouth opening would tend to open the opening further. Such further opening is, needless to say, undesirable, as it leads to a loosening of the object relative to the Gunlock device, and a possible falling out of the object. This is directly contrary to Applicant's novel claimed combination of features.

For brevity of discussion, the patentability of the dependent claims will be allowed to rest on their dependence from independent claims 1 and 18, respectively.

To provide Applicant with the varied scope of protection to which he is entitled, Applicant has set forth new independent claim 21.

Only twenty(20) claims are present in the application.

The application is submitted to be in condition for allowance with claims 1, 3-20, and 21. Claims 1, 18 and 21 are in independent form.

Serial No.: 10/034,124

Attached is a Notice of Appeal and the required fee.

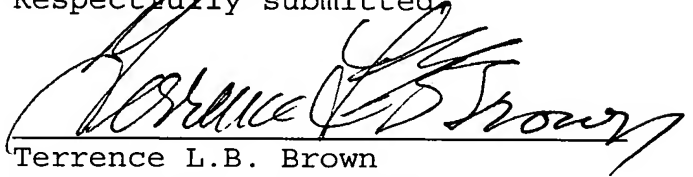
Attached is a check including the \$465.00 fee for a three month extension of time (Small Entity). It is believed that no additional fee is due; however, should that determination be incorrect, please charge any deficiencies to our Deposit Account No. 19-2105 and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Date:

July 17, 2003

Respectfully submitted,



Terrence L.B. Brown
Attorney for Applicant
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP
3000 South Eads Street
Arlington, Virginia 22202
(703) 684-5600

sb